

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF CORRECTIONS

In the Matter of the Risk Level
Determination of Mark Sherwood

ORDER OF DISMISSAL

The above matter is currently pending before the undersigned administrative law judge.

Mark Sherwood ("Respondent"), 4733 Cumberland Road, Mound, MN 55364, represented himself. Allen Louie, Assistant Attorney General, 445 Minnesota Street, Suite 1800, St. Paul, MN 55101-2134, appeared on behalf of the Minnesota Department of Corrections ("Department").

A hearing on the above matter was originally scheduled before Administrative Law Judge Beverly Jones Heydinger on October 12, 2005. At the time of the hearing, Respondent had discharged his previous attorney of record and requested a continuance for purposes of securing new counsel. The Department objected to the continuance and moved for dismissal of Respondent's appeal of his risk level assignment. ALJ Heydinger granted the Respondent's request for a continuance of the matter until December 15, 2005 and required that he promptly notify the Office of Administrative Hearings and the Department of the identity of any new counsel.

On November 18, 2005, the Office of Administrative Hearings notified the parties that the above matter had been reassigned to Chief Administrative Law Judge Raymond R. Krause.

Mr. Sherwood, who has the burden of proof in this proceeding under Minn. Stat. §244.052, subd. 6(b) spoke to a staff attorney at the Office of Administrative Hearings by telephone on two occasions, December 6 and December 14, 2005, and said he wished to withdraw his appeal.

Mr. Sherwood did not retain alternate counsel and did not appear on December 15, 2005.

Therefore, based upon the record in this matter,

IT IS HEREBY ORDERED that this matter is dismissed with prejudice.

Dated this 21st day of December, 2005.

s/Raymond R. Krause

RAYMOND R. KRAUSE
Chief Administrative Law Judge

